

REMARKS

The Examiner has required restriction under 35 U.S.C. § 121 between the following grouping claims:

- I. Claims 1-33, drawn to a self foaming composition, classified in class 424, subclass 401; and
- II. Claims 34-38, drawn to a methods of preparing a self foaming composition, classified in class 510, subclass 159+.

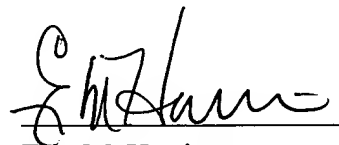
The Examiner asserts that the inventions are distinct each from the other because allegedly the Inventions of I and II are related as process of making and product made. Specifically, the Examiner argues that the self foaming compositions "can be prepared by a materially different process known using fatty acids, triglycerides and an alkali metal."

The Examiner has also required further restriction to various anionic surfactants, various amphoteric surfactants and various nonionic surfactants. Applicants respectfully traverse this requirement. Applicants respectfully request that the election requirement be modified such that Examination include the anionic surfactants recited in claim 8, the amphoteric surfactants recited in claim 12 and the nonionic surfactants recited in claim 15. Clearly, a search of these specific anionic, amphoteric and nonionic surfactants in the self foaming composition recited by claim 1 would not be an undue burden on the Examiner. If the Examiner requires election of a single anionic, a single amphoteric and a single nonionic surfactant, Applicants elect sodium laureth sulfate as the anionic surfactant, cocoamidopropyl betaine as the amphoteric surfactant and the alkyl glucoside recited in claim 16 as the nonionic surfactant.

Applicants respectfully traverse the restriction and apparent election of species requirement for the following reasons. M.P.E.P. § 803 states that the two criteria for a proper requirement for restriction between patentably distinct inventions are 1) the inventions must be independent or distinct as claimed, and (2) there must be a serious burden on the Examiner if restriction is not required. Here, the Examiner has not shown that there would be a serious burden if restriction were not required. Accordingly, Applicants respectfully request the restriction requirement and election requirement be withdrawn, and all pending claims be examined. Applicants await an action on the merits.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 10-0750/JBP-555/EMH. If a fee is required for an Extension of time 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Erin M. Harriman", written over a horizontal line.

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